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Our File#: 75686-0042/YVP

VIA PROCESS SERVER

PERSONAL AND CONFIDENTIAL

RECEIVED

Yvon V. Préfontaine
Barrister & Solicitor
75686-0042/YVP

Dear Madam:

Re: Defamatory Comments Red Deer Lake School Foothills School Division

Our services have been retained with respect to the above-mentioned matter.

We have been informed that as a parent you voiced concerns about the configuration of a Grade 2 classroom at Red Deer Lake School. I understand that Foothills School Division has gone to extraordinary lengths to address these concerns and that your advocacy has exceeded the boundaries of productive dialogue and devolved into disparaging the professional reputation of well-respected educators. I have been informed that Foothills School Division has responded to each concern relating to your child. I further understand that each concern that you have raised has been fully addressed, while perhaps not the specific resolution or outcome you sought, nevertheless they have been addressed. Further, you have been repeatedly informed that your concerns have been heard and that the classroom configuration will not be further altered. The classroom configuration is a site based decision that skilled and competent educators made to ensure an innovative and sound educational program is provided to the Grade 2 students of Red Deer Lake School. The academic results of students in the classroom meet or exceed Foothills School Division and provincial standards. I also understand that many parents are supportive of maintaining the status quo and would resent changing the classroom configuration to the model you prefer.

I have also been provided several communications either authored or co-authored by you sent to numerous parties, which include false allegations. Further, the constant writing and *ad hominem* attacks have caused individuals to have concern for their professional reputations and have negatively impacted on the school environment. The impugned comments include the following:

1. We understand that you have filed unfounded allegations of harassing or bullying behaviours by staff members.
2. Recently, senior central office administration has completed numerous interviews to determine whether harassing or bullying behaviours exist and have determined that staff members do not share your perception that they have been subjected to harassment.

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3. Each teacher you claim has been harassed has met with senior central office administration in the presence of their Alberta Teachers' Association Representative and each teacher has confirmed that **no Foothills School Division staff member has engaged in harassing or bullying behaviours, as you have alleged, at Red Deer Lake School.** I would point out that your actions may result in Code of Professional Conduct actions by the Alberta Teachers' Association against the teachers you pressured to support your complaint.

Much of your email correspondence, as it relates to school board staff and any alleged actions or inactions by Foothills School Division, is predicated on partial information, information taken out of context, conjecture, speculation, and false information. We recommend caution in repeating these statements or further publishing them in any manner whatsoever.

Foothills School Division endeavours to ensure that each staff member is provided with a safe and caring work environment that fosters and maintains respectful and responsible behaviours and is free of harassment. Uttering false statements based on false information, conjecture and speculation in addition to levelling allegations of misconduct is a serious form of harassment and will not be tolerated.

Owing to your problematic conduct and the repeated false allegations, your attendance at the Red Deer Lake School may be addressed by an access protocol that will be issued by the Superintendent of Schools Pam Rannelli. If you engage in conduct similar to that referenced above you will be in receipt of a complete ban in accordance with s. 27 of the *School Act*.

An individual in Alberta who believes his or her reputation has been damaged by verbal or written comments by another person may sue that person for defamation. Defamation has been described in a number of cases as paraphrased below:

A defamatory imputation is one to a person's discredit, or which tends to lower the individual in the estimation of others, or to expose them to hatred, contempt or ridicule, or to injure their reputation in their office, trade or profession, or to injure their financial credit. The standard of opinion is that of right thinking persons generally.

In other words, defamation is a statement concerning a person, which exposes the person to hatred, ridicule or contempt. In a matter involving teachers in the Province of Alberta *Angle v. LaPierre* [2006] A.J. No. 304, Justice Clackson wrote the following:

The onus on Mr. Angle is to establish that the impugned words were in fact spoken or written, that they were published, that they refer to him and that they are defamatory to him. In this case, there is no contest that the words were spoken or written and were published. Furthermore, it is clear that the impugned words refer to Mr. Angle. The remaining issue insofar as the Plaintiff's initial burden of proof is concerned is whether he has established that the words are defamatory.

Words are defamatory if they would tend to harm, adversely effect or discredit the reputation of the plaintiff. Mr. Angle, in the present case, need only establish that the publication would have a tendency to lower his reputation in the community.

We have counselled Foothills School Division to take steps to ensure that each employee targeted by your comments is made aware of the accusations levelled against them, in order that they may take appropriate measures to protect their respective reputations. We can advise you that in the *Angle* matter referenced above, the Alberta Teachers' Association represented the teachers involved, which we understand is part of membership services. We trust any ATA members targeted by your false and defamatory comments will be seeking the counsel of the ATA.

In addition to any claim initiated by the employees targeted by your defamatory comments, if you persist in making similar comments, additional malicious complaints, Foothills School Division may be forced to defend the reputation of its' employees whom have been wrongly targeted by your reckless, false and defamatory comments. We caution against making or repeating any disparaging comments or engaging in any conduct similar to the above. All legal avenues will be vigorously explored.

To be clear, you are to cease sending all e-mail or other correspondence that contain false or defamatory comments regarding any Foothills School Division employee to anyone. Any failure on your part to take heed of this warning may result in legal proceedings.

We trust you will govern yourself accordingly.

Yours truly,

BROWNLEE LLP

PER:

A handwritten signature in black ink, appearing to read 'Yvon Préfontaine', is written over the printed name. The signature is stylized with a large initial 'Y' and a long horizontal stroke.

Yvon Préfontaine

cc Larry Albrecht, Board Chair, Foothills School Division
Pam Rannelli, Superintendent of Schools, Foothills School Division